

**ORIGINAL**Decision No. 56118

## BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of )  
 CALIFORNIA WATER SERVICE COMPANY, a )  
 corporation, for an Order authorizing )  
 (1) the sale and transfer to East Bay )  
 Municipal Utility District of the )  
 water system of applicant in the County )  
 of Contra Costa serving the Orchard Glen )  
 area, and (2) the discontinuance of )  
 service by applicant in the unincorporated )  
 territory of Contra Costa County known as )  
 Orchard Glen. )

Application No. 39464

OPINION AND ORDER

California Water Service Company,<sup>1/</sup> a corporation, by application filed October 9, 1957, seeks authority to sell and transfer its public utility properties in the unincorporated area known as Orchard Glen, Contra Costa County, to East Bay Municipal Utility District,<sup>2/</sup> which joins in the application. The company also requests authority to withdraw from public utility service within the boundaries of Orchard Glen, which boundaries are delineated and described in a report of the Boundary Commission of the County of Contra Costa, dated May 8, 1956, a copy of which is attached to the application as Exhibit A.

Under the terms of the agreement, dated April 16, 1957, a copy of which is attached to the application as Exhibit B, Company proposes to sell its public utility properties, described in the form of the deed and bill of sale attached to the application as Exhibit D, for an agreed cash consideration of \$13,047, which is stated to be the reproduction cost of the properties less accrued depreciation. Company's water system facilities in Orchard Glen

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<sup>1/</sup> Sometimes herein called Company  
<sup>2/</sup> Sometimes herein called District

include water mains, meters and service connections to serve 52 premises.

The agreement provides that the transfer is contingent upon the annexation of Orchard Glen to District, and the formation of a special assessment district which would acquire the properties described herein. Counsel for Company has informed the Commission by letter that the proposed annexation to District was voted upon favorably on September 24, 1957. Payment of the transfer price is to be made from the proceeds of bonds planned to be sold by the assessment district.

The action taken herein shall not be construed to be a finding of value of the properties herein authorized to be transferred.

The Commission having considered the above-entitled application and being of the opinion that a public hearing is not necessary, that the proposed transfer will not be adverse to the public interest, and that the application should be granted; therefore,

IT IS HEREBY ORDERED that:

1. California Water Service Company, a corporation, may on or after the effective date hereof and on or before June 30, 1958, sell and transfer the public utility properties referred to herein to East Bay Municipal Utility District, substantially in accordance with the terms and conditions set forth in the agreement attached to the application as Exhibit B.

2. On or before the date of actual transfer California Water Service Company shall refund:

- (a) All customers' deposits which are subject to refund.
- (b) All payable balances remaining, if any, of funds advanced to it in connection with main extension agreements applicable to the facilities herein authorized to be transferred.

Within ten days thereafter, applicant shall report to the Commission in writing of the completion of such refunding.

3. If the authority herein granted is exercised, California Water Service Company shall, within thirty days thereafter, notify this Commission in writing of the date of such completion of the property transfer herein authorized and of its compliance with the conditions hereof.

4. Upon due compliance with all of the conditions of this order, said California Water Service Company shall stand relieved of all further public utility obligations and liabilities in connection with the operation of the portion of its water system herein authorized to be transferred.

The effective date of this order shall be twenty days after the date hereof.

Dated at San Francisco, California, this 21<sup>st</sup> day of January, 1958.

[Signature]  
President  
[Signature]  
[Signature]  
[Signature]  
Commissioners